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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,135	12/12/2001	Shah Mohammad Rezaul Islam	SJO920010197US1	2873

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EXAMINER	
NGUYEN, VAN KIM T	

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/022,135	REZAUL ISLAM ET AL.	
	Examiner	Art Unit	
	Van Kim T. Nguyen	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 September 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10,16-26,32 and 33-36* is/are rejected.

7)☒ Claim(s) *11-15 and 27-31* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is responsive to communications filed on September 23, 2005. Claims 1-36 are pending in the case.

Response to Arguments

2. Applicant's arguments filed September 23, 2005 have been fully considered but they are not persuasive.

In response to applicant's argument that "*Hansen does not disclose modes in columns 9-11, but does disclose commands under the edit menu (col. 10, lines 14-30). Commands – such as "new and "open" – are not mode*", See page 13: lines 6-8; a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

In this case, since *"a mode"* can be understood and normally defined as *"a particular functioning arrangement or condition"*, so even if Hansen does indeed disclose commands under the edit menu as Applicant's argued, the "new" and "open" commands are still operating under different *modes*; i.e., "new mode" and "open mode", and thus it meets the claims.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge

generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Hansen discloses different commanding modes, including an *update configuration* mode (col. 10: lines 14-30) for configuring a network device; Bogia discloses different timing options for updating a system configuration; and Chen discloses a system and method for optimizing configuration parameters. Hansen, Bogia, and Chen teach analogous arts, relating to updating a system configuration for reconfiguring/optimizing a system, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Bogia's method in Hansen's system, motivated by the need to be capable to change/update the systems' configuration remotely, and similarly, utilize Chen's method in the combination of Hansen and Bogia's system, motivated by the desire to derive the most optimized system.

Similarly, Jones teaches updating configuration file, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Jones' technique of controlling the actions of a network target in the combination of Hansen, Bogia, and Chen system, motivated by the need to coordinate configuration changes/updates.

Similarly, Gold teaches a method for system (hardware) configuration and data backup and recovery, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Gold's method of recovery hardware configuration in the combination of Hansen, Bogia, and Chen's system, motivated by the need to coordinate configuration changes in order to avoid prolonged system outages and substantial data loss.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35 U.S. Code not included in this action can be found in a prior Office Action.

Claims 1, 16-17, 19-20 , 32-33 and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Hansen (US 6,772,204).

As shown in Figures 1-9, Hansen discloses a method of updating a system configuration comprising:

presenting (displaying) a plurality of selections (e.g., pull-down menus or pull-down menu bar) for updating a system configuration from predetermined mode (e.g., "file", "edit", "network", "window", "help");

receiving (selecting) a selected mode (e.g., "file", "edit", "network", "window", "help"); and

executing the selected mode (e.g., if "file" mode is selected, available file commands are displayed, i.e., "new", "open", "save", "save as", "print", "print setup", and "exit"; col. 9: line 61 – col. 11: line 17).

Regarding claims 17 and 33, Hansen also discloses a storage system (6), (col. 5: lines 50-53).

Claim Rejections - 35 USC § 103

4. Claims 2-5, 18, 21-23 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen, in view of Bogia (US 2002/0198975), and further in view of Chen et al (US 5,819,030), herein after Chen.

Regarding claims 2, 18, 21, and 34, Hansen discloses a method of updating a system configuration comprising substantially all the claimed limitations, except the predetermined modes also comprising a schedule queued mode, a queued mode, and an optimized mode.

As shown in Figure 2, Bogia teaches the predetermined modes comprise an immediate mode, a scheduled queued mode, and a queued mode (para 0015).

Hansen and Bogia disclose analogous arts, relating to system and method of updating a system configuration, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Bogia's method in Hansen's system, motivated by the need to be capable to change system's configuration remotely.

However, the combination of Hansen and Bogia does not call for the predetermined mode including an optimized activation mode.

As shown in Figures 1-5, Chen discloses an optimized activation mode (abstract).

The combination of Hansen and Bogia, and Chen teach analogous arts, relating to system and method of updating a system configuration, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Chen's method in the combination of Hansen and Bogia's system, motivated by the desire to derive to the most optimized system.

Regarding claims 3 and 22, the combination of Hansen, Bogia, and Chen also teaches the immediate mode comprising the steps of receiving a configuration change request from a user; and activating the change request immediately (Hansen: col. 11: lines 18-23; and Bogia: para 0015).

The combination of Hansen and Bogia, and Chen teach analogous arts, relating to system and method of updating a system configuration, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Chen's method in the combination of Hansen and Bogia's system, motivated by the desire to derive to the most optimized system.

Regarding claims 4-5, 23 and 35, the combination of Hansen, Bogia, and Chen the scheduled queued mode comprising the steps of receiving configuration changes from a user; queuing all the change requests; and activating the change requests at a predetermined time (Bogia: para 0015).

The combination of Hansen and Bogia, and Chen teach analogous arts, relating to system and method of updating a system configuration, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Chen's method in the combination of Hansen and Bogia's system, motivated by the desire to derive to the most optimized system.

Claim Rejections - 35 USC § 103

5. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen, in view of Bogia, further in view of Chen, and further in view of Jones et al (US 5,771,381), hereinafter Jones.

The combination of Hansen, Bogia, and Chen discloses substantially all the claimed limitations, except the predetermined time is relative to a triggering event.

As shown in Figures 1-7, Jones teaches predetermined time is relative to a triggering event, i.e., as the user logging off (col. 14: lines 43-61).

The combination of Hansen, Bogia, and Chen, and Jones teach analogous arts, relating to system and method of updating a system configuration; thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Jones' technique of controlling the actions of a network target, motivated by the need to coordinate configuration changes.

Claim Rejections - 35 USC § 103

6. Claims 8-9 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen, in view of Bogia, and further in view of Jones.

The combination of Hansen and Bogia discloses substantially all the claimed limitations, i.e., receiving configuration change requests from a user; and queuing the configuration change requests upon receiving a triggering event comprising at least one of the user manually activating the change requests and n the user enabling an immediate mode (Hansen: col. 11: lines 18-23; and Bogia: para 0015).

However, the combination of Hansen and Bogia does not call for activating the configuration change request upon the user logging off.

As shown in Figures 1-7, Jones teaches predetermined time is relative to a triggering event, i.e., as the user logging off (col. 14: lines 43-61).

The combination of Hansen and Bogia, and Jones teach analogous arts, relating to system and method of updating a system configuration; thus it would have been obvious to one of

ordinary skill in the art at the time the invention was made to utilize Jones' technique of controlling the actions of a network target, motivated by the need to coordinate configuration changes.

Claim Rejections - 35 USC § 103

7. Claims 10 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen, in view of Bogia, further in view of Chen, and further in view of Gold et al (US 6,701,450), hereinafter Gold.

The combination of Hansen, Bogia, and Chen discloses substantially all the claimed limitations, i.e., receiving a configuration change request from a user; determining the optimized mode; and activating the change request (Hansen: col. 11: lines 18-23; Bogia: para 0015; and Chen: abstract).

However, the combination of Hansen, Bogia and Chen does not call for determining if a system is in a disaster recovery mode, and activating the change request if the system is in a disaster recovery mode.

As shown in Figures 1-5, Gold teaches determining whether a system is in disaster recovery mode and activate proper response to restore the computer system (abstract).

The combination of Hansen, Bogia, and Chen and Gold teach analogous arts, relating to updating system configuration, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Gold's method of recovery in the combination of Hansen, Bogia, and Chen's system, motivated by the need to coordinate configuration changes in order to avoid prolonged system outages and substantial data loss.

Allowable Subject Matter

8. Claims 11-15 and 27-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

See Previous Office Action for Reason for Allowance.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Kim T. Nguyen whose telephone number is 571-272-3073. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Van Kim T. Nguyen
Examiner
Art Unit 2151

vkn

ZARNI MAUNG
SUPERVISORY PATENT EXAMINER